

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MARCH 20, 2017

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JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 20, 2017

The Senate met in regular session at 1:03 p.m., President Whitver presiding.

Prayer was offered by the Honorable Ken Rozenboom, member of the Senate from Mahaska County, Oskaloosa, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Carter Sinclair, son of Senator Amy Sinclair.

The Oskaloosa String Ensemble played “America the Beautiful”.

The Journal of Friday, March 17, 2017, was approved.

INTRODUCTION OF GOVERNOR’S APPOINTEE

The Secretary of the Senate introduced Chuck Gipp, the governor’s appointee to be the Director of the Department of Natural Resources. He was the guest of Senators Dvorsky and Rozenboom and the Department of Natural Resources and Environment.

SPECIAL GUEST

President Whitver introduced to the Senate chamber the Honorable Tom Rielly, former member of the Senate from Mahaska County, Oskaloosa, Iowa.

The Senate rose and expressed its welcome.

The Senate stood at ease at 1:15 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:37 p.m., President Whitver presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shipley, until he arrives, on request of Senator Dix.

CONSIDERATION OF BILL (Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration [Senate File 465](#).

[Senate File 465](#)

On motion of Senator Schneider, [Senate File 465](#), a bill for an act relating to medical malpractice claims, including noneconomic damage awards and expert witnesses, was taken up for consideration.

Senator Schneider offered amendment [S-3161](#), filed by him on March 16, 2017, to pages 1–7 and amending the title page of the bill.

Senator Boulton offered amendment [S-3166](#), filed by him on March 16, 2017, to pages 1–3 of amendment [S-3161](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3166](#) to amendment [S-3161](#) be adopted?” ([S.F. 465](#)), the vote was:

Yeas, 21:

Allen	Dotzler	Johnson, D.	Quirmbach
Bisignano	Dvorsky	Kinney	Ragan
Bolkcom	Hart	Lykam	Taylor
Boulton	Hogg	Mathis	
Bowman	Horn	McCoy	
Danielson	Jochum	Petersen	

Nays, 28:

Anderson	Costello	Guth	Schultz
Behn	Dawson	Johnson, C.	Segebart
Bertrand	Dix	Kapucian	Sinclair
Breitbach	Edler	Kraayenbrink	Smith
Brown	Feenstra	Lofgren	Whitver
Chapman	Garrett	Rozenboom	Zaun
Chelgren	Greene	Schneider	Zumbach

Absent, 1:

Shipley

Amendment [S-3166](#) to amendment [S-3161](#) lost.

Senator Boulton offered amendment [S-3169](#), filed by him on March 16, 2017, to page 2 of amendment [S-3161](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3169](#) to amendment [S-3161](#) be adopted?” ([S.F. 465](#)), the vote was:

Yeas, 21:

Allen	Dotzler	Johnson, D.	Quirmbach
Bisignano	Dvorsky	Kinney	Ragan
Bolkcom	Hart	Lykam	Taylor
Boulton	Hogg	Mathis	
Bowman	Horn	McCoy	
Danielson	Jochum	Petersen	

Nays, 28:

Anderson	Costello	Guth	Schultz
Behn	Dawson	Johnson, C.	Segebart
Bertrand	Dix	Kapucian	Sinclair
Breitbach	Edler	Kraayenbrink	Smith
Brown	Feenstra	Lofgren	Whitver
Chapman	Garrett	Rozenboom	Zaun
Chelgren	Greene	Schneider	Zumbach

Absent, 1:

Shipley

Amendment [S-3169](#) to amendment [S-3161](#) lost.

Senator Boulton offered amendment [S-3168](#), filed by him on March 16, 2017, to page 2 of amendment [S-3161](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3168](#) to amendment [S-3161](#) be adopted?” ([S.F. 465](#)), the vote was:

Yeas, 21:

Allen	Dotzler	Johnson, D.	Quirmbach
Bisignano	Dvorsky	Kinney	Ragan
Bolkcom	Hart	Lykam	Taylor
Boulton	Hogg	Mathis	
Bowman	Horn	McCoy	
Danielson	Jochum	Petersen	

Nays, 28:

Anderson	Costello	Guth	Schultz
Behn	Dawson	Johnson, C.	Segebart
Bertrand	Dix	Kapucian	Sinclair
Breitbach	Edler	Kraayenbrink	Smith
Brown	Feenstra	Lofgren	Whitver
Chapman	Garrett	Rozenboom	Zaun
Chelgren	Greene	Schneider	Zumbach

Absent, 1:

Shipley

Amendment [S-3168](#) to amendment [S-3161](#) lost.

Senator Boulton offered amendment [S-3167](#), filed by him on March 16, 2017, to page 3 of amendment [S-3161](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3167](#) to amendment [S-3161](#) be adopted?” ([S.F. 465](#)), the vote was:

Yeas, 21:

Allen	Dotzler	Johnson, D.	Quirmbach
Bisignano	Dvorsky	Kinney	Ragan
Bolkcom	Hart	Lykam	Taylor

Boulton	Hogg	Mathis
Bowman	Horn	McCoy
Danielson	Jochum	Petersen

Nays, 28:

Anderson	Costello	Guth	Schultz
Behn	Dawson	Johnson, C.	Segebart
Bertrand	Dix	Kapucian	Sinclair
Breitbach	Edler	Kraayenbrink	Smith
Brown	Feenstra	Lofgren	Whitver
Chapman	Garrett	Rozenboom	Zaun
Chelgren	Greene	Schneider	Zumbach

Absent, 1:

Shipley

Amendment [S-3167](#) to amendment [S-3161](#) lost.

Senator Boulton called for the following division of amendment [S-3161](#):

Division [S-3161A](#): Page 1, lines 2–18 and Page 1, line 35 through Page 3, line 16; and

Division [S-3161B](#): Page 1, lines 19–34.

Senator Schneider moved the adoption of division [S-3161A](#).

A record roll call was requested.

On the question “Shall division [S-3161A](#) be adopted?” ([S.F. 465](#)), the vote was:

Yeas, 49:

Allen	Danielson	Jochum	Rozenboom
Anderson	Dawson	Johnson, C.	Schneider
Behn	Dix	Johnson, D.	Schultz
Bertrand	Dotzler	Kapucian	Segebart
Bisignano	Dvorsky	Kinney	Sinclair
Bolkcom	Edler	Kraayenbrink	Smith
Boulton	Feenstra	Lofgren	Taylor
Bowman	Garrett	Lykam	Whitver
Breitbach	Greene	Mathis	Zaun
Brown	Guth	McCoy	Zumbach
Chapman	Hart	Petersen	
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	

Nays, none.

Absent, 1:

Shipley

Division [S-3161](#)A was adopted.

Senator Schneider moved the adoption of division [S-3161](#)B.

A record roll call was requested.

On the question "Shall division [S-3161](#)B be adopted?" ([S.F. 465](#)), the vote was:

Yeas, 28:

Anderson	Costello	Guth	Schultz
Behn	Dawson	Johnson, C.	Segebart
Bertrand	Dix	Kapucian	Sinclair
Breitbach	Edler	Kraayenbrink	Smith
Brown	Feenstra	Lofgren	Whitver
Chapman	Garrett	Rozenboom	Zaun
Chelgren	Greene	Schneider	Zumbach

Nays, 21:

Allen	Dotzler	Johnson, D.	Quirmbach
Bisignano	Dvorsky	Kinney	Ragan
Bolkcom	Hart	Lykam	Taylor
Boulton	Hogg	Mathis	
Bowman	Horn	McCoy	
Danielson	Jochum	Petersen	

Absent, 1:

Shipley

Division [S-3161](#)B was adopted.

Senator Schneider moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 465](#)), the vote was:

Yeas, 28:

Anderson	Costello	Guth	Schultz
Behn	Dawson	Johnson, C.	Segebart
Bertrand	Dix	Kapucian	Sinclair
Breitbach	Edler	Kraayenbrink	Smith
Brown	Feenstra	Lofgren	Whitver
Chapman	Garrett	Rozenboom	Zaun
Chelgren	Greene	Schneider	Zumbach

Nays, 21:

Allen	Dotzler	Johnson, D.	Quirmbach
Bisignano	Dvorsky	Kinney	Ragan
Bolkcom	Hart	Lykam	Taylor
Boulton	Hogg	Mathis	
Bowman	Horn	McCoy	
Danielson	Jochum	Petersen	

Absent, 1:

Shipley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that [Senate File 465](#) be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration [Senate File 396](#) and [House File 289](#).

[Senate File 396](#)

On motion of Senator Anderson, [Senate File 396](#), a bill for an act providing for the confidentiality of certain records provided by gambling licensees to the racing and gaming commission, was taken up for consideration.

Senator Anderson offered amendment [S-3171](#), filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment [S-3171](#) was adopted by a voice vote.

Senator Anderson asked and received unanimous consent that [House File 462](#) be **substituted** for [Senate File 396](#).

[House File 462](#)

On motion of Senator Anderson, [House File 462](#), a bill for an act providing for the confidentiality of certain records provided by gambling licensees to the racing and gaming commission, was taken up for consideration.

Senator Anderson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 462](#)), the vote was:

Yeas, 49:

Allen	Danielson	Jochum	Rozenboom
Anderson	Dawson	Johnson, C.	Schneider
Behn	Dix	Johnson, D.	Schultz
Bertrand	Dotzler	Kapucian	Segebart
Bisignano	Dvorsky	Kinney	Sinclair
Bolkcom	Edler	Kraayenbrink	Smith
Boulton	Feenstra	Lofgren	Taylor
Bowman	Garrett	Lykam	Whitver
Breitbach	Greene	Mathis	Zaun
Brown	Guth	McCoy	Zumbach
Chapman	Hart	Petersen	
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	

Nays, none.

Absent, 1:

Shipley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Anderson asked and received unanimous consent that [Senate File 396](#) be **withdrawn** from further consideration of the Senate.

[House File 289](#)

On motion of Senator Breitbach, [House File 289](#), a bill for an act relating to the issuance of driver's licenses, nonoperator's identification cards, and persons with disabilities identification devices by certain counties, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Breitbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 289](#)), the vote was:

Yeas, 49:

Allen	Danielson	Jochum	Rozenboom
Anderson	Dawson	Johnson, C.	Schneider
Behn	Dix	Johnson, D.	Schultz
Bertrand	Dotzler	Kapucian	Segebart
Bisignano	Dvorsky	Kinney	Sinclair
Bolkcom	Edler	Kraayenbrink	Smith
Boulton	Feenstra	Lofgren	Taylor
Bowman	Garrett	Lykam	Whitver
Breitbach	Greene	Mathis	Zaun
Brown	Guth	McCoy	Zumbach
Chapman	Hart	Petersen	
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	

Nays, none.

Absent, 1:

Shipley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that **House Files 289** and **462** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 20, 2017, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 146](#), a bill for an act relating to notice requirements for actions for forcible entry and detainer.

Read first time and referred to committee on **Judiciary**.

[House File 441](#), a bill for an act relating to the use of child labor in laundry occupations.

Read first time and referred to committee on **Labor and Business Relations**.

[House File 472](#), a bill for an act relating to eligibility requirements for grant and loan forgiveness programs administered by the college student aid commission that provide assistance to elementary and secondary school teachers in this state.

Read first time and referred to committee on **Education**.

[House File 531](#), a bill for an act relating to oversight of public assistance programs, and including effective date provisions.

Read first time and attached to **companion** [Senate File 469](#).

[House File 533](#), a bill for an act relating to disqualification from eligibility for unemployment benefits and including effective date provisions.

Read first time and referred to committee on **Labor and Business Relations**.

[House File 539](#), a bill for an act relating to the procedure for obtaining an administrative release from the Iowa civil rights commission.

Read first time and referred to committee on **Judiciary**.

[House File 542](#), a bill for an act relating to eligibility requirements for individuals claiming unemployment insurance benefits in consecutive benefit years and including effective date provisions.

Read first time and referred to committee on **Labor and Business Relations**.

[House File 548](#), a bill for an act relating to continuous quality improvement for the care of individuals with stroke, and providing for contingent implementation.

Read first time and **passed on file**.

[House File 579](#), a bill for an act relating to criminal sentencing by modifying criminal penalties for cocaine base and attempted murder, making inapplicable certain provisions relating to mandatory sentences, mandatory minimum sentences, limitations on parole and work release, and limitations on earned time, and modifying the reconsideration of certain felons' sentences.

Read first time and referred to committee on **Judiciary**.

ADJOURNMENT

On motion of Senator Dix, the Senate adjourned at 5:57 p.m. until 9:00 a.m., Tuesday, March 21, 2017.

APPENDIX**STUDY BILL RECEIVED****SSB 1184 Government Oversight**

Prohibiting the use of certain monitoring devices in certain locations open to the public, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS**House Joint Resolution 1**

JUDICIARY: Shipley, Chair; Boulton and Dawson

House File 523

JUDICIARY: Edler, Chair; Kinney and Schultz

House File 545

HUMAN RESOURCES: Chapman, Chair; Garrett and Ragan

SSB 1184

GOVERNMENT OVERSIGHT: Lofgren, Chair; McCoy and Sinclair

**WITHDRAWAL OF
GOVERNOR'S APPOINTEE**

The following letter from the Governor was received in the office of the Secretary of the Senate on March 17, 2017:

I am withdrawing the name of Ryan Fredregill to serve as a member of the Board of Mortuary Science from further consideration by the Senate.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

<u>S-3171</u>	<u>S.F. 396</u>	Bill Anderson
<u>S-3172</u>	<u>S.F. 435</u>	Michael Breitbach
<u>S-3173</u>	<u>H.F. 518</u>	Michael Breitbach
<u>S-3174</u>	<u>S.F. 475</u>	Amy Sinclair